

FILED

January 6, 2004

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

EFFECTIVE

November 13, 2003

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
DOCKET No.: BDSME 09434-2002N

IN THE MATTER OF THE SUSPENSION)
OR REVOCATION OF THE LICENSE OF:)

Administrative Action

Michael G. Ashkar, M.D.)
License No. MA 43615)

CONSENT ORDER

TO PRACTICE MEDICINE & SURGERY)
IN THE STATE OF NEW JERSEY)

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter the "Board") by way of Verified Administrative Complaint filed on June 28, 2002, by David Samson, Attorney General of New Jersey, Adriana E. Baudry, Deputy Attorney General appearing. The Complaint and accompanying documents sought emergent relief by way of temporary suspension of license pursuant to N.J.S.A. 45:1-22, and requested disciplinary sanctions against Michael G. Ashkar, M.D. (hereinafter "Respondent") alleging, inter alia, violations of N.J.A.C. 13:35-6.3, N.J.A.C. 13:35-6.5(b), N.J.A.C. 13:35-7.6(a), N.J.A.C. 13:35-7.2(a), N.J.S.A. 45:9-6 and N.J.S.A. 45:1-21(b),

CERTIFIED TRUE COPY

(c), (d), (h) and (i). Respondent has denied the allegations of the Complaint rendering the matter a contested case *as* defined by N.J.S.A. 52:14b-1, et. seq.

Following a hearing on the **Attorney** General's application for **emergent relief**, the Board entered an **Order** of Temporary **Suspension** on July 17, 2002, which restricted **Respondent** from engaging in the practice of **medicine** and surgery **pending** a plenary **hearing**. Thereafter, the Board transmitted the **matter** to the Office of Administrative Law for a plenary hearing. A **hearing** was **scheduled** to **commence** on November 13, 2003, before the Honorable Joseph Fidler, A.L.J., at the Office of Administrative Law in **Quakerbridge**, New Jersey. On August 18, 2003, the **Attorney** General filed a notion for Partial Summary Decision which was decided by the Honorable Joseph F. Fidler, A.L.J. on November 12, 2003 and concluded that there were no **genuinely disputed** facts as to Counts I, II and 111 of the Verified **Complaint** or as to violations of N.J.A.C. 13:35-6(b), N.J.A.C. 13:35-7.2(a) and N.J.A.C. 13:35-7.6(a).

Respondent, being desirous of resolving the within matter without formal proceedings, and the Board finding that Respondent **engaged** in conduct violative of the aforementioned statutes and regulations and the within Order **adequately** protective of the public health, safety and welfare, for the reasons **expressed**

herein and other good cause having been shown, it is, therefore
on this 13th day of **November**, 2003

ORDERED AND AGREED THAT:

1. The **license** issued to Respondent, **Michael G. Ashkar**, M.D. is hereby suspended for a period of **five years**, **retroactive** to the **date** of July 17, 2002. **Said suspension shall be actively served** for a period of two years with the remaining three years to **be served** as a **period** of probation.

2. Respondent shall enroll in and successfully complete an ethics course approved by the New Jersey State Board of Medical Examiners within one **year** of the date of entry of this Order. Successful completion means that all sessions **were attended**, all assignments were properly and appropriately **completed** and a passing **grade wa3** achieved which was unconditional and without reservation.

3. Respondent shall enroll in and successfully complete a **record keeping** course approved by the New Jersey **State** Board of Medical Examiners within one year **of** the date of entry of this Order. **Successful completion** means that all *sessions* were **attended**, all **assignments** were properly and **appropriately completed** and a **passing** grade was achieved which was unconditional and without reservation.

4. Respondent shall participate in individual therapy

pursuant to recommendations made by the J.J. Peters Institute.

5. **Respondent** shall continue to **be** monitored by the Physician's **Health** Program ("PHP").

6. Respondent shall ensure that **the** PHP provide quarterly reports to **the** Board regarding **Respondent's** progress.

7. **Respondent** is **assessed** an **aggregate** civil penalty of \$20,000.00 for **the** offenses set forth in Counts I through IV and costs in the amount of \$7,276.00 **consisting** of \$5,476.00 in **investigative** costs and \$1,800.00 in expert fees. **Respondent** shall pay to **the** Board attorney fees pursuant to N.J.S.A. 45:1-25(d) in **the** amount of \$34,524.00.

8. All forms of costs and penalties totaling \$61,800.00, *as set forth in Schedule A attached hereto* shall be paid ~~within ten (10) days of entry of this Order~~ at the Board Office, 140 East Front **Street**, P.O. BOX 183, Trenton, NJ,

08625. ~~If all of said payments have not been paid in full within 10 days of entry of the within Order,~~ *for the above amount* **A** Certificate of Debt shall be filed pursuant to N.J.S.A. 45:1-24. *Said schedule shall be subject to the approval of the Board following receipt of a financial statement in the form attached and tax returns for the past three years to be submitted within 10 days of the date of this Order.*

9. Respondent may request installment payments which shall be approved by the Board by good cause shown. In such event, Respondent shall pay investigative costs in the amount of \$5,476.00 in full within the first ten days of entry of this Order, and shall be permitted to pay the balance of debt regarding attorney fees, expert fees, and penalties in equal

monthly installments due on the first day of the month commencing on January 1, 2004 and ending on December 1, 2004. All such installment payments shall first be applied towards satisfaction of attorney fees due and owing, then towards satisfaction of costs due and owing, and then towards satisfaction of assessed penalties-

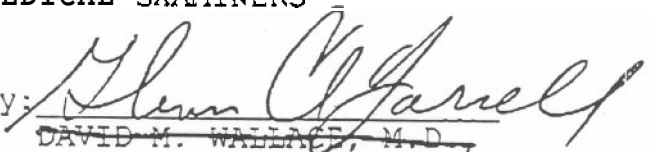
10. Interest shall accrue in accordance with Rule 4:42-11. All payments shall be made by certified check or money order payable to the State of New Jersey.

11. In the event that a monthly installment is not received within five (5) days of the due date, the entire of civil penalties, costs and fees shall become due and owing.

12. Respondent shall comply with the attached Directives for physicians who are disciplined or whose surrender of licensure has been accepted by the Board, which are incorporated herein by reference.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

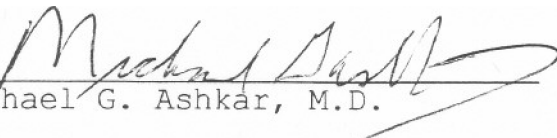
By:


~~DAVID M. WALLACE, M.D.~~
~~PRESIDENT~~

GLENN A. Farrell, ESQ
Vice-President

- 5 -

I have read and understood
the within order and agree
to be bound by its **terms**.
Consent *is* **hereby** given to
the Board to enter this **Order**.


Michael G. Ashkar, M.D.

DATED: 11-13-03

Consented to as to form:

By: 
Steven I. Kern, Esq.

DATED: 11/13/03

Schedule A

#2,738 payable within ten days of execution of this order

#2,738 payable within twenty days of execution of this order

#687.50 on or before January 1, 2004

" " " February 1, 2004

" " " March 1, 2004

" " " April 1, 2004

" " " May 1, 2004

" " " June 1, 2004

" " " July 1, 2004

" " " August 1, 2004

#1,000 on or before

September 1, 2004

2,000

October 1, 2004

3,000

November 1, 2004

4,000

December 1, 2004

5,000

January 1, 2005

6,000

February 1, 2005

7,000

March 1, 2005

8,000

April 1, 2005

9,000

May 1, 2005

BALANCE

June 1, 2005

PETER C. HARVEY
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Respondent, being desirous of resolving the within matter without formal proceedings, and the Board finding that Respondent engaged in conduct violative of the aforementioned statutes and regulations and the within Order adequately protective of the public health, safety and welfare, for the reasons expressed

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8. All form of costs and penalties totaling \$61,800.00, shall be paid as set forth in Schedule A, attached hereto at the Board Office, 140 East Front Street, P.O. Box 183, Trenton, NJ, 08625. A Certificate of Dabt for the above amount shall be filed pursuant to N.Z.S.A. 45:1-24. Said schedule shall be subject to the approval of the Board following receipt of a financial statement in the form attached, and tax returns for the pas', three years, to be submitted within 13 days of the date of this Order.

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satisfaction of assessed penalties.

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NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: _____
GLENN A. FARRELL, ESQ.
VICE-PRESIDENT

I have read and understood
the within order and agree
to be bound by its terms.
Consent is hereby given to
the Board to enter this Order.

Michael G. Ashkar, M.D.

DATED: _____

Consented to as to form:

3y: _____
Steven I. Kern, Esq.

DATED: _____

Schedule A

\$2,738.00 payable within ten (10) days of execution of this Order.

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\$687.50 on or before August 1, 2004.

\$1,000.00 on or before September 1, 2004.

\$2,000.00 on or before October 1, 2004.

\$3,000.00 on or before November 1, 2004.

\$4,000.00 on or before December 1, 2004.

\$5,000.00 on or before January 1, 2005.

\$6,000.00 on or before February 1, 2005.

\$7,000.00 on or before March 1, 2005.

\$8,000.00 on or before April 1, 2005.

\$9,000.00 on or before May 1, 2005.

Balance on or before June 1, 2005.